

REMARKS

A Request For Continued Examination was filed in connection with the above-captioned application on February 4, 2003. In a Notice Of Improper Request For Continued Examination (RCE) dated February 21, 2003, the Examiner noted that the Request was not accompanied by a submission as required by 37 CFR 1.114. As a result, applicant herewith supplies such a submission. More particularly, certain claims are amended, new claims are added and arguments are set forth concerning the patentability of these claims over the art of record.

After the Examiner has had an opportunity to review the enclosed amendments and argument, he is requested to contact the undersigned to schedule an interview prior to the issuance of a further Office Action in connection with this case.

The applied Roth reference WO 98/34189 describes a mercantile environment concerning the bidding for the placement of targeted advertisements - as does the instant application. However, Roth does not teach any method for dealing with bid complexity. Instead, Roth simply asserts that:

"However, notwithstanding the complexity of the proposed bids and the number of parameters specified in each proposed bid, the operations performed by bidding agents 30 and bid selection logic 16C are as explained in the above simple example." (see page 9, lines 13-16).

Applicant submits that no person of ordinary skill in the art could understand from Roth how to relate to the real complexity of bids.

After reading the instant application - especially with reference to the subsection entitled - "A Description Of Algorithmic Procedures Used To Implement The

Preferred Embodiment Of The Method Of The Present Invention" (which begins on page 18) one might appreciate how such an algorithm would be useful to Roth. However, that is a far cry from imagining that Roth teaches such a method. Certainly, Roth nowhere anticipates the vector combinatorial space taught by the instant application (described in the subsection "Spreading the Price Offer"). Thereafter, the instant application teaches the "Creating A Profile Combination" and the "Determining The Price Of Each Profile Combination". All of these features are supportive of the claim language reciting "attributes of a respective response are spread to form a large number of bid-response combinations".

This aspect of the invention is more fully disclosed in the specification beginning at page 35, line 8 and running to page 38, line 4. There, specific discussion is given to the use of "higher order Boyce - Codd normal forms" (page 36, line 22) and "NP-complete like characteristics of the data transactions" (page 36, line 29). Roth's only suggestion for addressing this aspect is to mention that there are "bidding agents". However, this is no teaching or disclosure in Roth of the automatic functionality of such bidding agents. Rather, it is completely mysterious.

Furthermore, Roth notices that buyers making bids may consider features of a product when thinking about how much the product might be worth to them. But, Roth does not enter into the mechanics of that thought process. In contrast, the instant invention teaches an automated method for convolving (i.e. rolling together or coiling up) a bid based on attribute components and their contributory value to worth in the theoretical eye of a bidder. This is a higher order combinatorial problem that is not obvious to solve for one of ordinary skill in the art in light of the

Roth reference. What Roth contributes is the creation of a specific bidding environment. What Roth does not teach is the art of calculating a bid. That is taught by the instant application.

In the instant application, seven (7) prior art references are listed that, in the applicant's view, are more relevant than is Roth for appreciating the complexity of the bid calculation problem. The background section of the instant application clearly focuses on this aspect. It concludes by noting that "expressing the rate structure for the individual advertisement, as a function of a profile of the individual potential customer, is not a described nor delivered product of any of the aforesaid service agencies." (see page 2, lines 20-22).

In contrast to Roth, the present application is directed towards a method for facilitating expressing the rate structure for the individual advertisement as a function of a profile of the individual potential customer (see the instant specification, page 2, lines 24-26).

In addition, applicant has amended independent claim 1 to recite the additional step of determining the respective price for the visitor profile substantially as the sum of predetermined prices for the attributes in the profile. Independent claim 27 has been amended to recite a seventh module for determining the respective price of the visitor profile substantially as the sum of predetermined prices for attributes in the profile. Independent claims 36 and 37 have been similarly amended.

It is respectfully submitted that these amendments to the independent claims clearly differentiate the instant application from Roth by including a bid facilitating rate structure methodology for use by a distributor agent/proxy in constructing a broadcast response. The bid is facilitated by a) convolving contributory predetermined

economic value contributions for a respective profile attributes, therewith the attributes being electronically recognized by the distributor in a broadcast thereto and b) electronically responding to the broadcast with the bid and such identifying parameters as necessary to allow the profile and the distributor to be identified therewith. Furthermore, in the bid facilitating rate structure methodology for use by a distributor agent/proxy in constructing a broadcast response, electronic recognition is preferably conducted by using a memory cache structure matching tree. This aspect of the invention is now recited in newly submitted dependent claims 38-41.

In summary, today, the profile of a URL visitor (even if actually anonymous and only synonymous with a pseudonym ID located in a cookie) may include user contributed details, demographic information, URL's visited, search terms and key words (or vector-equivalents) presented by the user to search engines, as well as correlations between the foregoing and market research statics and the like. Having accessed the ID of the cookie of a URL visitor and compiled a relevant profile from it and having broadcast the profile to at least one distributor - according to the preferred embodiment of the present invention - the distributor uses a bid facilitating rate structure methodology in constructing a response. The bid is facilitated by a) convolving contributory predetermined economic value contributions for the respective profile attributes, the attributes being electronically recognized by the distributor in a broadcast thereto, and b) electronically responding to the broadcast with the bid and such identifying parameters as may be necessary to allow the profile and the distributor to be identified therewith.

Schematically, from the perspective of the agent/proxy distributor and as generally understood by one of average

skill in the art, "the steps of determining" are sequentially:

1. electronically receiving the broadcast profile,
2. electronically assigning to substantially each element of the profile a contributory predetermined economic value contribution,
3. electronically - logically and/or arithmetically aggregating these contributions into a bid, and
4. with the bid and such identifying parameters as necessary to allow the profile and the distributor to be identified therewith, electronically responding to the broadcast profile.

It should be recalled that the present invention relates to three broad classes of embodiments, namely, a) auctions, b) tenders and c) future inventory purchase embodiments. According to the preferred embodiments of each of these, the distributor is a proxy or an agent. Simply stated, the step of electronically broadcasting (and equivalently, the steps of electronically receiving and electronically responding) are internal steps that are accomplished by comparing predetermined bid components (represented in the tree) and described in detail above by a memory cache structure matching tree.

The reason for use of the proxy or agent is that in today's internet advertising environment, the use of an external distributor would substantially always require more time that is typically available for selecting an advertisement to a URL visitor.

In view of the foregoing, it is respectfully submitted that pending claims 1-41 are in condition for allowance over the art of record.

Again, before the issuance of a further Office Action, the Examiner is requested to contact the undersigned to schedule an interview concerning this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP



Jay F. Moldovanyi
Reg. No. 29,678
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
(216) 861-5582

CERTIFICATE OF MAILING

I hereby certify that this **AMENDMENT A** in connection with U.S. Patent Application Serial No. 09/473,078 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on this 19th day of March, 2003.

By: 
Kathleen A. Nimrichter

VERSION OF CLAIMS WITH MARKINGS SHOWING CHANGES MADE

IN THE CLAIMS:

Please amend claim 1, 27, 36 and 37 as follows:

1. (Twice Amended) A method for transacting an advertisement transfer, from an advertisement distributor to a visitor, the method comprising, upon the occurrence of a visitor visitation at a communications node, the 5 communication node performing the steps of:

(a) constructing a visitor profile;
(b) broadcasting the profile to at least one distributor;
(c) collecting responses from the at least one 10 distributor, wherein a preponderance of the responses have a plurality of attributes and wherein attributes of a respective response are spread to form a large number of bid-response combinations;

(d) selecting a bid-response combination from the 15 at least one responding distributors;

(e) contracting, between the node and the at least one distributor of the selected bid-response, a transference of an advertisement from the distributor to the visitor; and

20 (f) effecting a transfer of the advertisement to the visitor; and,

(g) determining the respective price of the

visitor profile substantially as the sum of predetermined prices for the attributes in the profile.

27. (Twice Amended) A device for transacting an advertisement transfer, from an advertisement distributor to a visitor, upon the occurrence of a visitor visitation at a communications node, comprising a sequentially linked 5 series of modules:

- (a) a first module for constructing a visitor profile;
- (b) a second module for broadcasting the profile to at least one distributor;
- 10 (c) a third module for collecting responses from the at least one distributor wherein a preponderance of the responses have a plurality of attributes and wherein attributes of a respective response are spread to form a large number of bid-response combinations;
- 15 (d) a fourth module for selecting a bid-response combination from the at least one responding distributor;
- (e) a fifth module for contracting, between the node and the at least one distributor of the selected bid-response, a transference of an advertisement from the 20 distributor to the visitor; and
- (f) a sixth module for effecting a transfer of the advertisement to the visitor; and,

25 (g) a seventh module for determining the
 respective price of the visitor profile substantially as
 the sum of predetermined prices for attributes in the
 profile.

36. (Twice Amended) A program storage device
readable by a machine and encoding a program of
instructions for executing a method for transacting an
advertisement transfer, from an advertisement distributor
5 to a visitor, the method comprising, upon the occurrence of
a visitor visitation at a communications node, the
communication node performing the steps of:

- (a) constructing a visitor profile;
- (b) broadcasting the profile to at least one
10 distributor;
- (c) collecting responses from the at least one
distributor;
- (d) selecting a response from the at least one
responding distributors;
- 15 (e) contracting, between the node and the at
 least one distributor of the selected response, a
 transference of an advertisement from the distributor to
 the visitor; and
- (f) effecting a transfer of the advertisement to
20 the visitor; and,

(g) determining the respective price of the visitor profile substantially as the sum of predetermined prices for attributes in the profile.

37. (Twice Amended) A program storage device readable by a machine and encoding a program of instructions for executing a system for transacting an advertisement transfer, from an advertisement distributor 5 to a visitor, upon the occurrence of a visitor visitation at a communications node, the system including:

(a) a first module for constructing a visitor profile;

10 (b) a second module for broadcasting the profile to at least one distributor;

(c) a third module for collecting responses from the at least one distributor;

(d) a fourth module for selecting a response from the at least one responding distributor;

15 (e) a fifth module for contracting, between the node and the at least one distributor of the selected response, a transference of an advertisement from the distributor to the visitor; and

20 (f) a sixth module for effecting a transfer of the advertisement to the visitor; and,

(g) a seventh module for determining the

respective price of the visitor profile substantially as the sum of predetermined prices for attributes in the profile.

Please add the following new claims 38-41 as follows:

38. (New) The method according to claim 1 wherein the step of determining the respective price of the visitor profile includes using a memory cache structure matching tree.

39. (New) The device according to claim 27 wherein the seventh module uses a memory cache structure matching tree.

40. (New) The method according to claim 36 wherein the step of determining the respective price of the visitor profile includes using a memory cache structure matching tree.

41. (New) The device according to claim 37 wherein the seventh module uses a memory cache structure matching tree.